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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,926	05/31/2005	Kazumi Aoyama	450100-04849	6572
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151				
08/02/2010				
EXAMINER				
OPSASNICK, MICHAEL N				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/536,926

Applicant(s)

AOYAMA ET AL.

Examiner

MICHAEL N. OPSASNICK

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/19/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukui (5918222) in view of Freeman (5340317).

As per claim 1,36, Fukui (5918222) teaches a dialog control device/robot characterized by comprising: memory means for storing various pieces of information appended to an object as values corresponding to respective items of the object (fig. 94, col. 46 lines 15-16); and conversation generation means for selecting, in response to an item of said object defined as topic, another topic relating to the topic used in the immediately preceding conversation (as topics – fig. 94, col. 46 lines 30-60); and generating an acquisition conversation for acquiring the value of the item selected as topic (as value-topic relationship – col. 61 lines 17-22) or a utilization conversation for utilizing the value of the item in the topic already stored in said memory means as the next conversation (col. 46 lines 30-45); said conversation generation means being adapted to store the acquired value acquired by said acquisition conversation as the

value of the corresponding item (as generating the next conversation based on topic change – col. 52 lines 19-25,47-49). Fukui (5918222) does not explicitly teach customization of a conversation, however, Freeman (5340317) teaches user customizable speech conversational system (Freeman (5340317), abstract, col. 7 lines 47-65; in a robot environment – col. 23-26, example 6). Therefore, it would have been obvious to one of ordinary skill in the art of conversational development to modify the teachings of Fukui (5918222) with user customizable conversation based on previous responses because it advantageously provides a realistic conversation to the user (Freeman (5340317), col. 2 lines 45-60).

As per claims 2-11, Fukui (5918222) teaches the device according to claim 1, wherein said conversation generation means selects: any other item, relating to, differing relationships between the object, topic and values used in said immediately preceding conversation belongs as the next topic and generates said utilization conversation by utilizing the value of the item already stored in said memory means (as changing to next topic based on values extracted from the user – col. 52 lines 19-45; figs. 2, 12, 22, 189-193).

As per claims 12-14, Fukui (5918222) teaches the device according to claim 1, wherein said conversation generation means includes: memory acquisition conversation generation means for generating said acquisition conversation; memory utilization conversation generation means for generating said utilization conversation; situation judgment means for selecting either said memory acquisition conversation generation means or said memory utilization conversation

generation means and have said memory acquisition conversation generation means or said memory utilization conversation generation means, whichever selected, generate said next conversation; wherein the situation judgment decides memory acquisition or memory utilization based on a ratio of acquired/non-acquired items and first extent is different than the second extent (as decision based upon conversation state, judging whether more information is needed, and acquiring/accessing the information -- figs. 167,169,171).

As per claims 15,16, Fukui (5918222) teaches the device according to claim 1, wherein said conversation generation means holds history of the used topics and generates said acquisition conversation or said utilization conversation by referring to the history, and not using the same topic via history information (col. 9 lines 1-25).

As per claims 17,18, Fukui (5918222) teaches the device according to claim 1, wherein said memory means stores the values of the items of said object along with their respective degrees of impression that provide reference for deciding if any of the values may be used in the conversations with said object or not and said conversation generation means selects the topic to be used in the next conversation on the basis of the degree of impression thereof; and internal condition management means adapted to hold parameters indicating the internal condition and change the values of the parameters according to external stimuli; each of said degrees of impression representing the difference of the parameter values of the corresponding parameter held by said internal condition management means before and after the acquisition of the corresponding value (as generating expression scores including likelihood and strength, prediction, system response contents – figs. 173-176; including degree of expression, figs. 177-179)

Claims 19-35 are method claims that are performed by the apparatus claims 1-18 and as such, are similar in scope and content to claims 1-18 and therefore, claims 19-35 are rejected under similar rationale as presented against claims 1-18 above.

Response to Arguments

3. Applicant's arguments filed 5/19/2010 have been fully considered but are moot in view of the new grounds of rejection. Examiner notes the introduction of the Freeman reference to further develop the conversation flow of Fukui (and useable in an robotic environment).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael N. Opsasnick/
Primary Examiner, Art Unit 2626
7/29/2010